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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,235	01/23/2004	Takayuki Nakajima	247934US8	4508

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
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2152

NOTIFICATION DATE	DELIVERY MODE
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09/06/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/762,235

Applicant(s)

NAKAJIMA ET AL.

Examiner

Thomas J. Dailey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/13/2006</u> <u>03/09/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-4 are pending in this application.

Claim Rejections - 35 USC § 112

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 3 recites, "The content delivery apparatus according to any of claims 1 and 2." This renders the claim indefinite as it is unclear what claim 3 actually depends from; it could be claim 1, claim 2, or both. For examination purposes, the examiner will interpret it as being dependent from claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Koeppel et al (US Pat. 6,477,575), hereafter "Koeppel."
6. As to claim 1, Koeppel discloses a content delivery apparatus which delivers a content managed by a content management server to a terminal (Abstract, lines 13-17, a web server hosts content available to users a middleware program determines what content is presented to users), the content management server storing in advance a plurality of the contents and a plurality of pieces of time information associated with the contents (column 6, lines 54-56, content has associated presentation rules and column 10, lines 20-31 discloses rules that are time dependent), the content delivery apparatus comprising:
 - a content acquiring unit which, when a predetermined time has elapsed, acquires relevant contents associated with a piece of time information including the predetermined time from the content management server (column 6, lines 54-56, content has associated presentation rules and column 10, lines 20-31 discloses time dependent rules, such as displaying specific content for a predetermined amount of time, e.g. between 6:00 P.M. and 10:00 P.M., and displaying different content other times);
 - a display unit which displays the relevant contents acquired by the content acquiring unit in such a manner that each of the contents is selectable according to an operation instruction by a user (column 7, lines 30-34);

an accepting unit which accepts delivery information including a delivery destination indicating the terminal to which selected one of the relevant contents is delivered (column 7, lines 21-28); and

a delivering unit which delivers the selected content to the delivery destination that is included in the delivery information accepted by the accepting unit, wherein the content associated with each piece of time information is displayed in such a manner that displayed scenery varies with a time included in the associated piece of time information (column 10, lines 20-31, specific content is associated with specific times and is delivered to the user in that manner).

7. As to claim 3, Koeppel discloses the contents are local information concerning an area in which the content delivery apparatus is deployed (Abstract, the contents are web pages and they are local information with regards to the web server, i.e. stored locally).
8. As to claim 4, it is rejected by the same rationale set forth in claim 1' rejection.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gimson et al (US Pub. No. 2003/0158969), hereafter "Gimson," and further in view of Bhagwat et al (US Pat. 6,563,517), hereafter "Bhagwat."

11. As to claim 2, Gimson discloses a content delivery apparatus which delivers a content managed by a content management server to a terminal, the content management server storing in advance a plurality of contents and a plurality of pieces of terminal information including headers of the contents and types of the terminals (Abstract, lines 9-15), the content delivery apparatus comprising:

a display unit which displays the headers corresponding to the contents in such a manner that each of the headers is selectable by an operation instruction of a user (Abstract, lines 1-3, web pages are displayed and include links to other pages);

an accepting unit which accepts delivery information including a delivery destination indicating one of the terminals to which a relevant content corresponding to a selected one of the headers is delivered and including the type of the terminal ([0032], lines 20-31);

a content acquiring unit which, based on the type that is included in the delivery information accepted by the accepting unit, identifies a piece of the terminal information that matches the selected header and the type from among

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the pieces of the terminal information, and acquires the relevant content associated with the identified piece of the terminal information from the content management server ([0032], lines 20-31).

But, Gimson does not disclose:

a size changing unit which changes a size of the content acquired by the content acquiring unit according to a capacity of a communication line of the terminal; and

a delivering unit which delivers the content the size of which is changed by the size changing unit, to the delivery destination included in the delivery information accepted by the accepting unit.

However, Bhagwat discloses:

a size changing unit which changes a size of the content acquired by the content acquiring unit according to a capacity of a communication line of the terminal (Abstract, lines 3-13, the size of web content being transmitted is dependent on available bandwidth); and

a delivering unit which delivers the content the size of which is changed by the size changing unit, to the delivery destination included in the delivery information accepted by the accepting unit (column 6, lines 31-35).


Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Gimson and Bhagwat in order to provide more efficient web browsing over low-speed network links (column 2, lines 57-62).

Conclusion

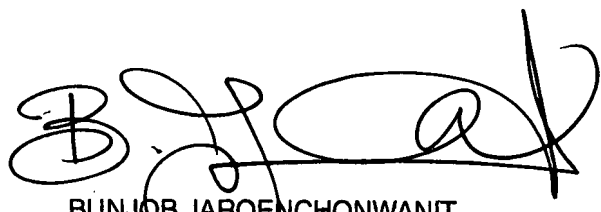
12. For additional prior art made of record and not relied upon and considered pertinent to applicant's disclosure see attached Notice of References Cited, Form PTO-892.
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TJD
8/29/2007



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER
8/30/07